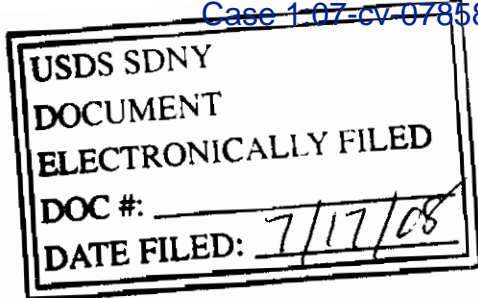


MEMO ENDORSED

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July 16, 2008

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Honorable James C. Francis
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Indemnity Insurance Company of North America
v. Burlington Northern and Santa Fe, et al.
07 Civ. 7858 (JCF)
Our File: 7G-1459

Dear Judge Francis:

I represent the plaintiff in this action which involves a cargo damage claim arising from a derailment. There have been discussions concerning possible settlement. However, there is a significant spread between plaintiff's demand and defendant's offer. It is possible that further discovery will facilitate closing this gap. Plaintiff also contemplates filing a motion for summary judgment if a settlement is not reached. Counsel join in respectfully proposing that the July 18, 2008 discovery deadline be extended to August 29, 2008 and the pre-trial order or dispositive motion deadline be extended to October 17, 2008. For the sake of good order I inform the Court that between September 5 and 23, 2008 I have overseas travel commitments. The Court's attention is appreciated. U

Respectfully,

David L. Mazaroli

cc: Freehill, Hogan & Mahar, LLP
Attn.: Michael Fernandez, Esq. (via e-mail: fernandez@freehill)

Collins & Feldman
Attn.: Ilene J. Feldman, Esq. (via e-mail: collinsfeldman@aol.com)

7/17/08
Application granted.
SO ORDERED.
James C. Francis IV
USMJ